

Message Text

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ACTION L-03

INFO OCT-01 ARA-06 ISO-00 SSO-00 NSCE-00 USIE-00
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O 211320Z MAR 77
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC IMMEDIATE 0650
INFO AMCONSUL RIO DE JANEIRO IMMEDIATE
AMCONSUL SAO PAULO IMMEDIATE
SECDEF WASHDC IMMEDIATE
CHMN USDEL JBUSMC RIO DE JANEIRO IMMEDIATE

C O N F I D E N T I A L BRASILIA 2176

E.O. 11652: GDS
TAGS: MASS, SHUM, BR, US
SUBJECT: EFFECT OF TERMINATION OF MUTUAL DEFENSE ASSISTANCE
AGREEMENT AND RENUNCIATION OF SECURITY ASSISTANCE

REF: A. STATE 58197 B. BRASILIA 1897 C. BRASILIA 1842

1. OUR UNDERSTANDING OF REFTEL A IS THAT IN DENOUNCING 1952
MUTUAL DEFENSE AGREEMENT GOB COULD, PRESUMING CONGRESSIONAL
APPROVAL, STILL RETAIN ELIGIBILITY TO UTILIZE BOTH FMS CASH
AND CREDIT AS WELL AS IMET NOT RELATED TO SPECIFIC DEFENSE
ARTICLE ACQUISITION, WHICH UNDER "REGIONAL" LIMITATION MEANS
MOST IMET THE GOB CURRENTLY WOULD USE. SINCE DENUNCIATION DOES
NOT SEEM TO AFFECT FMS CASH OR CREDIT PURCHASES UNDER FOREIGN
ASSISTANCE LEGISLATION, THE MAINTENANCE OF BRAZIL'S ON GOING
SECURITY ASSISTANCE ELIGIBILITY APPEARS TO DEPEND MORE ON
EFFECT OF GOB REFUSAL OF FY-78 SECURITY ASSISTANCE
THAN ON DENUCIATION OF 1952 PACT. OUR DILEMMA REMAINS THE
SAME AS POSED IN REFTELS B AND C, OF ACTING UPON GOB REQUEST
THAT BRAZIL NOT BE CONSIDERED FOR SECURITY ASSISTANCE IF THAT
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MEANS REVIEW OF HUMAN RIGHTS REPORT, WHILE ATTEMPTING TO PRESERVE
SOME MODICUM OF GOB ACCESS TO THE ELEMENTS OF SECURITY ASSISTANCE
IT VALUES AND MAY NOT REALIZE IT HAS RENOUNCED, SUCH AS FMS
CASH SALES.

2. AS WE INDICATED IN REF B, THE GOB HAS MADE IT UNMISTAKABLY
CLEAR TO US THAT IT DOES NOT WANT THE LEGISLATIVE PROCESS AS

IT CONCERNS BRAZIL TO GO FORWARD. BUT EVIDENCE PERSISTS THAT THE GOB MAY NOT HAVE HAD A COMPLETELY CLEAR UNDERSTANDING OF ALL THE ELEMENTS ENCOMPASSED IN THE TERM "SECURITY ASSISTANCE" WHICH IT RENOUNCED WITHOUT QUALIFICATION. WE ALSO NOTE THAT GOB HAS LET PASS THE PUBLICATION OF THE HUMAN RIGHTS REPORT HERE WITHOUT FURTHER REACTION AND STATEMENTS ON THE SUBJECT AND THE U.S. FROM THE PLANALTO SEEM AMELIORATIVE. UNLESS THE DEPARTMENT HAS ALREADY TAKEN ACTION TO REMOVE BRAZIL FROM CONSIDERATION BY THE CONGRESS, WE BELIEVE ONE MORE EFFORT IS NEEDED TO DETERMINE THAT THE GOB HAD THOROUGHLY STAFFED AND UNDERSTANDS SECURITY ASSISTANCE ELEMENTS INVOLVED IN ITS RENUNCIATION AND TO ENSURE THAT, IN ACTING ON THAT RENUNCIATION, WE DO NOT VIOLATE OR GO BEYOND THE BRAZILIAN INTENTIONS.

3. WE RECOMMEND THAT THE DEPARTMENT CONVENE A MEETING WITH BRAZILIAN EMBASSY OFFICIALS AND REPRESENTATIVES OF THE BRAZILIAN MILITARY PURCHASING COMMISSION WITH APPROPRIATE STATE AND DOD OFFICIALS TO REVIEW ALL ELEMENTS IN SECURITY ASSISTANCE PROGRAM REQUIRING CONGRESSIONAL ACTION, SPECIFYING ALL THOSE ELEMENTS THAT COULD BE AFFECTED BY BRAZIL'S RENUNCIATION.

4. DEPARTMENT MIGHT POINT OUT THAT USG WISHES TO RESPOND AS ACCURATELY AS POSSIBLE TO BRAZILIAN DESIRE NOT TO HAVE ITS CASE CONSIDERED IN CONGRESS, BUT AT SAME TIME BECAUSE OF THE COMPLEXITY OF THE LAWS (WHICH SHOULD BE EXPLAINED THOROUGHLY TO BRAZILIANS) THERE IS SOME CONFUSION IN USG ABOUT WHAT SPECIFIC ARRANGEMENTS GOB INTENDED TO RENOUNCE. OUR APPROACH SHOULD BE NEUTRAL AND AVOID GIVING IMPRESSION THAT WE ARE ALARMED OVER BRAZILIAN WITHDRAWAL OR THAT WE ARE USING BUREAUCRATIC STRATAGEMS
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TO THWART RENUNCIATION. STRESS SHOULD BE ON OUR INTEREST TO BE RESPONSIVE TO BRAZILIAN WISHES -- TO DO WHAT THEY WANT US TO DO WHILE AT SAME TIME NOT DOING ANYTHING THEY MIGHT NOT WANT US TO DO (IN REFERRING TO GOB PURCHASES FOR CASH, WE COULD AVOID USE OF WORD "ASSISTANCE.")

5. DEPARTMENT MIGHT EMPHASIZE THAT FMS CASH SALES WILL BE PROHIBITED IF PRESENT GOB REQUEST NOT TO BE CONSIDERED FOR SECURITY ASSISTANCE IS ACTED UPON. DEPARTMENT SHOULD BE CANDID ABOUT REQUIREMENT FOR HUMAN RIGHTS REPORT TO REMAIN BEFORE CONGRESS IF FMS CASH SALE OPTION IS TO BE RETAINED.

6. IN EFFORT TO PRESERVE GOB ACCESS TO SOME SECURITY ASSISTANCE, DEPARTMENT, WE PRESUME, HAS CONSIDERED ANNOTATING CPD SENT TO CONGRESS TO SHOW NO REQUEST OF FUNDS FOR FY-78 FMS CREDITS AND IMET FOR BRAZIL. FOOTNOTE COULD SHOW THAT BRAZIL DOES NOT WISH TO BE A RECIPIENT OF SUCH SECURITY ASSISTANCE ELEMENTS, BUT THAT EXECUTIVE BRANCH WISHES TO QUALIFY BRAZIL AS A POTENTIAL RECIPIENT OF OTHER SECURITY ASSISTANCE ELEMENTS FOR

PURPOSES OF CONTINGENCY PLANNING. WE ASSUME THAT THIS WOULD STILL SUBJECT BRAZIL TO CONGRESSIONAL REVIEW, BUT IT MIGHT BE PRO-FORMA. IF THIS APPROACH HAS ANY FEASIBILITY, DEPARTMENT MIGHT EXPLORE IT IN MEETING WITH BRAZILIANS. (ELEMENT HERE AFFECTING VIABILITY OF THIS COURSE IS EXTENT TO WHICH BRAZILIAN RENUNCIATION MAY HAVE HARDENED CONGRESSIONAL ATTITUDE, THUS RULING OUT EVEN THIS COMPROMISE. DEPARTMENT IS IN BEST POSITION TO JUDGE.)

7. EVEN IF MEETING LEADS TO NO REDEFINITION BY BRAZILIANS OF THIS BROAD AND UNQUALIFIED RENUNCIATION, IT WILL DEMONSTRATE U.S. DESIRE TO BE AS FORTHCOMING AS POSSIBLE ON MILITARY RELATIONSHIPS WITHIN LIMITS OF LEGISLATION. IT WILL ALSO ENSURE FULL BRAZILIAN UNDERSTANDING NOW OF POSSIBLY TROUBLE-SOME CONSEQUENCES OF THEIR RENUNCIATION, THUS AVOIDING POSSIBILITY THAT SUBSEQUENT UNFORESEEN LOSS OF SECURITY ASSISTANCE BENEFITS FROM NATURAL WORKING OF THE LEGISLATION MIGHT BE

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MISINTERPRETED BY BRAZILIANS AS U.S. ACTION OF COERCION OR REPRISAL.
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